

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

BRIGHT RESPONSE, LLC

v.

GOOGLE, INC., et al.

NO. 2:07-CV-371-CE

JURY

**BRIGHT RESPONSE, LLC'S NOTICE OF EMERGENCY REQUEST FOR
HEARING ON YAHOO!, INC.'S MOTION TO MODIFY THE PROTECTIVE
ORDER AND BRIGHT RESPONSE'S RESPONSE TO YAHOO'S MOTION**

COMES NOW Bright Response, LLC and notifies the Court that it has, in its Response to Yahoo's Motion to Modify The Protective Order (which is accompanied by a motion for leave), included a request for a hearing on the motions, if necessary, on an expedited basis. Good cause exists for expedited relief to ensure Bright Response is not prejudiced in obtaining, in the most efficient way possible, the required source code from Yahoo.

Time is now of the essence in this regard. The discovery deadlines in this case are rapidly approaching. Yet Yahoo seeks, after months of Yahoo's inactivity in complying with its obligations to produce source code, to modify the Protective Order that has been in place since July 2008. It seeks a modification that adds more time to the process and creates inefficiency in producing source code to Bright Response. Such inefficiencies cannot be tolerated at this time, when Yahoo did not produce any source code at all until October 2009. Although Yahoo just moved for relief, it has simply refused to provide the printer as required by the Agreed Protective Order since its source code was produced last month. Yahoo's refusal to comply with the Agreed Protective Order has prejudiced Bright Response and must

cease immediately. Bright Response requires as much time as possible to analyze the source code to meet its upcoming discovery deadlines.

Dated: November 9, 2009

Respectfully submitted,

By: /s/ Andrew D. Weiss

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CERTIFICATE OF SERVICE

I certify that counsel of record who are deemed to have consented to electronic service are being served this 9th day of November, 2009, with a copy of this document via the Court's CM/ECF systems per Local Rule CV-5(a)(3). Any other counsel will be served electronic mail, facsimile, overnight delivery and/or First Class Mail on this date.

\s\ Andrew D. Weiss